

## **REMARKS**

### **Status**

Claims 25-49 were at issue in this Office Action. By the present amendment, claim 47 has been canceled and new claims 50-52 have been added. Accordingly, it is now claims 25-46 and 48-52 which are at issue.

### **The Office Action**

In the Office Action mailed July 16, 2004, claims 25, 27-32, 35 and 38-41 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,525,436 of Savinell. Claims 25, 27-32, 34-35 and 37-39 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Application 2004/0062969 of Sakaguchi. Claims 26, 33, 36 and 39-41 were rejected under 35 U.S.C. §103 as being anticipated by the '436 patent or the '969 application taken in view of U.S. Patent 6,274,724 of Rasmussen.

Claim 25 was also rejected under 35 U.S.C. §112, second paragraph, and the specification was objected to with regard to an informality on page 10.

The Examiner has indicated that claims 42-49 embody allowable subject matter, and pending resolution of the rejection under 35 U.S.C. §112, second paragraph, these claims will be allowable.

Applicant thanks the Examiner for the search, the thorough explanation of the basis of the rejections, and for the indication of allowable subject matter.

### **The Specification**

By the present response, Applicant has placed the application in condition for allowance. Specifically, Applicant has corrected page 10 of the specification to supply the missing unit (daltons). This correction does not introduce any new subject matter. The application and

claims as originally filed include the missing unit. Furthermore, this unit is well known in the art for specifying the molecular weight of polymers.

### **The Claims**

The Examiner has indicated that claims 42-47 embody allowable subject matter, and by the present amendment, Applicant has incorporated that allowable subject matter into all claims at issue. Specifically, claim 25 has been amended to incorporate the subject matter of claim 47 therein. As such, claim 25 now specifies the membrane of the fuel cell further includes a silicon compound therein. Claim 25 has also been amended to specify that  $n$  is a positive integer, thereby overcoming the rejection under 35 U.S.C. §112, second paragraph. In view thereof, claim 25 as well as claims 26-46 and 48-49 are all allowable.

By the present amendment, Applicant has also presented herewith new claims 50-52. Claim 50 basically tracks the language of original claim 25 and adds the further limitation that  $R_1$ - $R_3$  are fluorine, thereby incorporating the allowable subject matter of claim 42 thereinto. Accordingly, claim 50 is allowable.

New claim 51 also tracks claim 25 and adds the further limitation therein that the membrane includes a heteropolyacid. New claim 51 thus includes the allowable subject matter of claim 43 therein. New claim 52 is dependent on claim 51 and corresponds to allowable claim 44. Accordingly, claim 53 is also allowable.

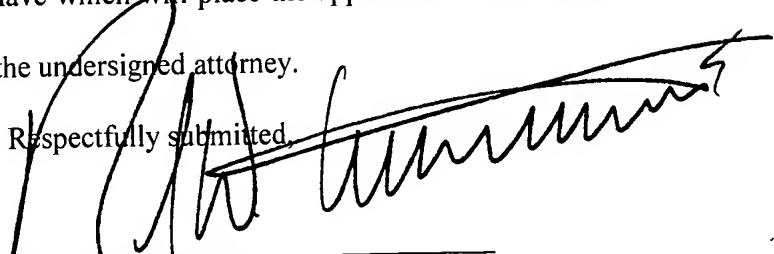
### **Conclusion**

By the present amendment, Applicant has corrected the informalities noted by the Examiner and has amended all claims to recite subject matter which the Examiner has indicated is allowable. In view thereof, the application is in condition for allowance. Any questions,

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comments or suggestions the Examiner may have which will place the application in still better condition for allowance should be directed to the undersigned attorney.

Respectfully submitted,

  
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Janice Burkhardt